



June 4, 1999

Mr. J. David Dodd, III
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR99-1549

Dear Mr. Dodd:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126620.

The DeSoto Police Department (the “department”), which you represent, received an open records request for the department’s records pertaining to a particular automobile accident. You state that you have released to the requestor an adult arrest report and the Texas Peace Officer’s Accident Report. You contend, however, that because the department’s investigation of this matter has resulted in criminal intoxication manslaughter charges being filed with the Dallas County District Attorney, the remaining requested records are excepted from required public disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[s.]” Because you have informed us that the records at issue pertain to pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information could interfere with law enforcement. The department therefore may withhold the records at issue at this time pursuant to section 552.108(a)(1).¹

¹We note that although section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime,” Gov’t Code § 552.108(c), this “basic information” is contained in the records previously released by the department. We note, however, that the identity of the juvenile killed in the accident is not made confidential under section 58.007 of the Family Code, which makes confidential records “relating to a child who is a party to a proceeding under” title 3 of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/eaf

Ref.: ID# 126620

encl. Submitted documents

cc: Ms. Susan F. Goodman
Legal Assistant
Johnson & Sylvan, P.C.
4440 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
(w/o enclosures)